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ABSTRACT

The roles and responsibilities of state, local, and the federal government are described in this paper on the organization of American education. Explanations are provided of how education in America is primarily a state and local responsibility and representative models of this system of organization are described. In terms of the federal government's role in education, provisions of the first and fourteenth amendments to the Constitution are outlined and examples of education-related legislation are reported. In addition to legal and financial actions, the federal government's involvement in raising issues and setting directions for education is reviewed, and the National Commission on Excellence in Education's report, "A Nation At Risk" is offered as the most recent and dramatic example. Schematic illustrations are provided of: (1) the typical structure of a state school system; (2) a state department of public instruction; and (3) a typical line and staff organization plan. (ML)

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THE ORGANIZATION OF AMERICAN EDUCATION

(Understanding Controlled Chaos)

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THE ORGANIZATION OF AMERICAN EDUCATION

The National Center for Education Statistics reports that the primary activity of approximately 61.4 million Americans in the fall of 1984 was education. Of this total, 57.8 million students were enrolled in classes from kindergarten through graduate school.

Education continues to be one of the largest employment fields in the United States. There are 3.3 million classroom teachers, about 300,000 other educators are superintendents, supervisors, principals and other instructional staff. There are additional millions of non-certified support personnel: secretaries, maintenance staff, cafeteria employees, custodians, bus drivers, and others directly employed by the schools.

Education is very big in the United States. In charge of this emendous bureaucracy is -- no one, nor any one central agency. American education is highly decentralized.

In order to understand the organization of American education one must know something about the United States Constitution and certain of its first ten amendments, called the Bill of Rights. These documents were written after the Revolutionary War with Great Britain had ended with the signing of the Treaty of Paris in 1783.

The articles of the Constitution provided for a federalist form of government which allowed for citizen participation in electing a bicameral legislature, a president and vice-president, and provided for an appointed Supreme Court to interpret and extend the laws to the citizens. The Constitution provided for a division of power, which established checks and balances on the power of any one branch of government over the other and on the people as well.

Within the first year after the American Constitution was ratified, the new Congress passed ten amendments known as The Bill of Rights. These ensured the basic freedoms of American citizens.

Neither the Constitution nor The Bill of Rights made any specific provisions for the establishment of a system of public education. Yet the educational systems that have developed in the United States, public and private, are governed by law.

To understand this apparent paradox, one has to read and interpret the Tenth Amendment, which says that, ". . .powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Since the Constitution neither provides for a system of public education, nor prohibits the states from doing so, the power to establish a system of public education was reserved to the individual states.

State and Local Control of Education

For example, Article IX, Section 1 of the 1868 Constitution of North Carolina reads as follows:

> Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries and the means of education shall forever be encouraged.

Section 2 describes who is responsible for establishing schools and how they will be financed.

> (1) The General Assembly shall provide by taxation and otherwise, for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of local government with financial responsibility for public education may use local revenues to add or supplement any public school or post-secondary school program.

All of the 50 states of the United States have constitutions that contain similar provisions for establishing and financing a public education system. Thus, education in America is a state and local responsibility. There are approximately 15,500 local school districts in the United States. Thus, as we have stated previously, American education is highly decentralized.

A typical organization of responsibility for the governance of education at the state level is shown in Figure 1. State Boards of Education exist in all states except Wisconsin. They have both regulatory and advisory responsibilities. They receive input from a number of sources in discharging their duties.

Members of state boards get their positions in various ways. Most are appointed by the state governor or by the General Assembly or elected by the people or combinations of these methods.

An example of how one state, North Carolina, organizes its Department of Public Instruction is shown in Figure 2. Every state has a chief state school officer--the State Superintendent. Currently, 19 state superintendents are elected by the people, 27 are appointed by the State Board of Education, and four are appointed by the governor.

A typical organization for a local school district is shown in Figure 3. Local school boards are the governmental unit with the ultimate

responsibility for ensuring the education of pupils within their school district. They generally have the power to:

- obtain revenue,
- employ the necessary personnel and regulate their services,
- admit and assign pupils to schools,
- approve programs of study,
- purchase supplies, materials, and equipment,
- purchase land and build buildings, and
- maintain schools.

One of the primary duties of the local board is to select a local superintendent of schools. The superintendent attends to the administrative duties of operating the schools, makes recommendations to the Board of Education concerning their responsibilities and keeps the records and reports required of the Board by the state.

The Federal Role in American Education

Though education is legally a function of the individual states, it must be practiced in accordance with provisions of the Constitution of the United States. The First and Fourteenth Amendments have frequently been applied to the operation of education in the various states. These amendments also help explain much of the involvement that the Federal Government does have in American public education.

The First Amendment insures freedom of religion, speech, press, assembly, and petition. It specifies:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free expression thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assembly, and to petition the government for a redress of grievances.

The United States has a strong Christian religious heritage. In fact, in colonial times, much of the formal education was provided through religious schools. In recent years, parochial education has surged in many areas of the country. Approximately eleven percent of the total school population in America is enrolled in private church related or secular schools. The use of public funds to support parochial or private education have been allowed in certain limited ways. Conversely required religious activity in public schools has been strictly limited by the First Amendment --and, if necessary, enforced by federal law officers.

The Fourteenth Amendment has had a profound affect on public education in the United States and has legitimized much of the federal aid to education. It reads in part:

> No state shall make or enforce any law which shall abrogate the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fourteenth Amendment was passed by Congress after the Civil War ended in 1866. The authors of the Amendment included the clause "equal protection under the laws" to protect the rights of the recently emancipated black citizens. However, it has taken over 100 years for the full measure of this Amendment to be achieved in public education for blacks in the United States. During the 1960's and '70's, millions of federal funds were spent to help ensure successful school desegregation. There are still lingering problems with providing equal education for blacks and other minorities.

The education of physically and mentally handicapped citizens has also been advanced by the "equal protection" clause of the Fourteenth Amendment.

In 1975, Congress passed Public Law 94-142 which called for the education of handicapped children in the "least restrictive enrivonment." Handicapped students could be taught in specialized and limited environments only for compelling reasons, but had to be returned to more common heterogeneous environments as soon as possible.

From 1969 to 1980, the federal government allocated over $200 million each year through the Bureau of Education for the Handicapped to the states to help carry out the provisions of PL 94-142. These funds have been used for barrier removal, teacher training, curriculum development, research on new instructional methods and learning materials for the handicapped, and for enforcement of the law.

Unlike Japan and many other nations, the United States is truly a ulticultural society. The 1980 Census reported the size of the non-English language background population of the United States was 30 million people. The people of Spanish, German, and Italian descent make up the majority of this group. However, there are significant populations of Greek, Polish, Japanese, and Chinese. Since the end of the Vietnam War in 1975, one-half million Southeast Asians have entered the United States. Also over 30 percent of American Indians speak in tribal tongues as their first language.

Using the equal protection clause of the Fourteenth Amendment, Congress passed and enacted into law the Bilingual Education Act in 1968. Federal funds were made available to hire and train teachers, to teach bilingual students, develop new curricula, and to monitor bilingual education programs.

The federal government has increasingly been involved in education in more general ways than described above. In Article 1, Section 8 of the Constitution, the powers delegated to Congress were in part to ". . .provide for the common defense and general welfare of the United States."

Though there are restrictions on how Congress might provide for the common defense and general welfare of the nation, it has been lenient enough to cooperate with every president since George Washington to pass education related legislation. In our lifetime, they have created the National Science Foundation in 1950, the National Defense Education Act of 1958, the Elementary and Secondary Education Act of 1965, the Education Amendments Act (Title IX) in 1972, the Educational Improvement and Consolidation Act of 1981, and created the Department of Education in 1978.

Congress, working with (and sometimes against presidents) has passed dozens of other acts related to vocational education, library services, meals served at school, civil rights, Indian education, environmental education, drug education, et cetera. Approximately 0.9 percent of the total school revenue in the United States comes from the federal government through the various acts of Congress.

Furthermore, the federal government operates schools on military bases in the United States and around the world and on native Indian reservations. It also finances the public schools in the District of Columbia.

Federal interest in education goes beyond legal and financial involvements. The President and the Secretary of Education can raise issues and set directions for education by virtue of their influence. The most recent and dramatic example of this was the report of the National Commission on Excellence in Education. The Commission was created by (then)

Secretary of Education, Terrell Bell; their report released in April, 1983 was entitled A Nation at Risk: The Imperative for Educational Reform. The opening paragraph of the report contains bold warnings:

> Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. . .the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and as a people. . . . If an unfriendly power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."

This report propelled education into a major issue in the Presidential Campaign of 1984 between President Reagan and Walter Mondale. Over 200 other reports from other public and private educational organizations, private business and industry, philanthropic organizations, and individuals have been issued since A Nation At Risk was released.

The United States is still undergoing the greatest debate and change in education ever in the history of the Nation. Individual state governors, legislators, state departments of education, local school districts and institutions of higher education are all involved in the debate and change. It is perhaps very hard for a foreigner to understand who is directing this activity and what will be the outcomes. It is often confusing and frustrating to Americans because no one person or group is "in charge." Thus, no one knows how long the debate will last or what the outcomes will be. However, professional educators need not take a passive role in determining the outcomes of the current debate. Indeed, it is incumbent upon educators to take a very active role in helping to determine more egalitarian outcomes than those suggested in current reform reports. But, as always in a democracy, the majority of the people will decide. For professional educators, the times call for a high tolerance for ambiguity and a fundamental belief in the collective wisdom of the public.

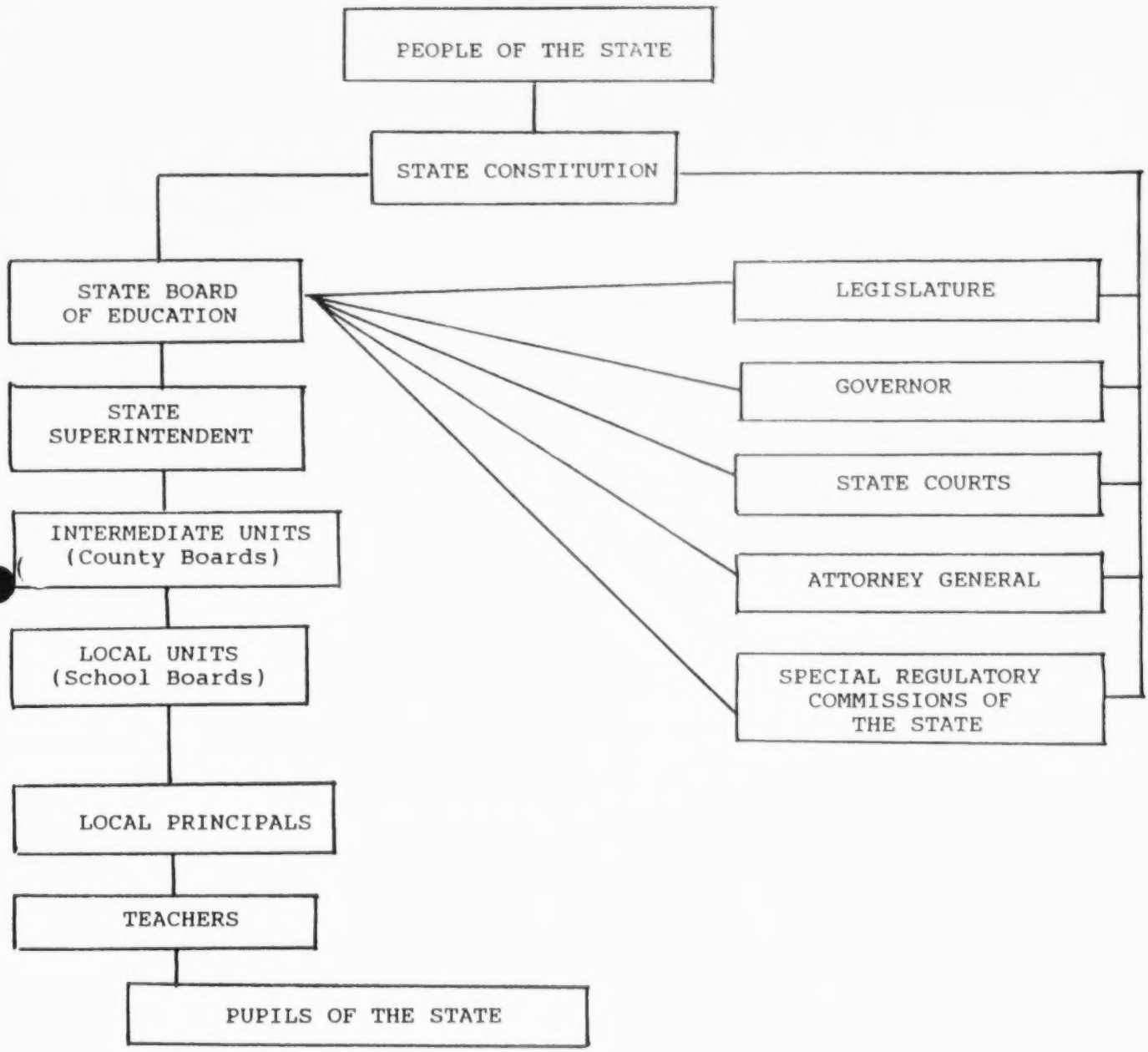
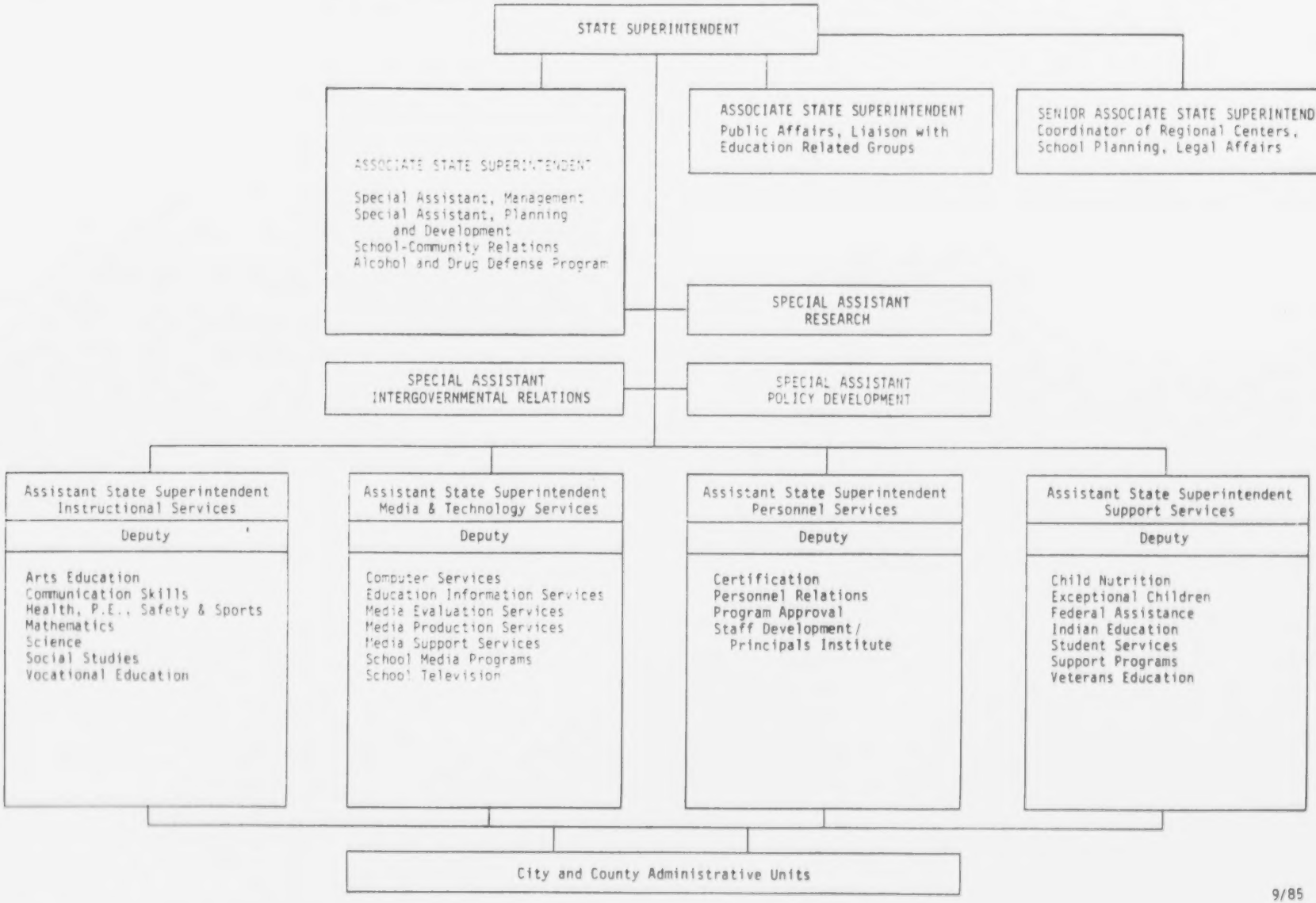


FIGURE 1. Typical structure of a state school system

FIGURE 2

NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION



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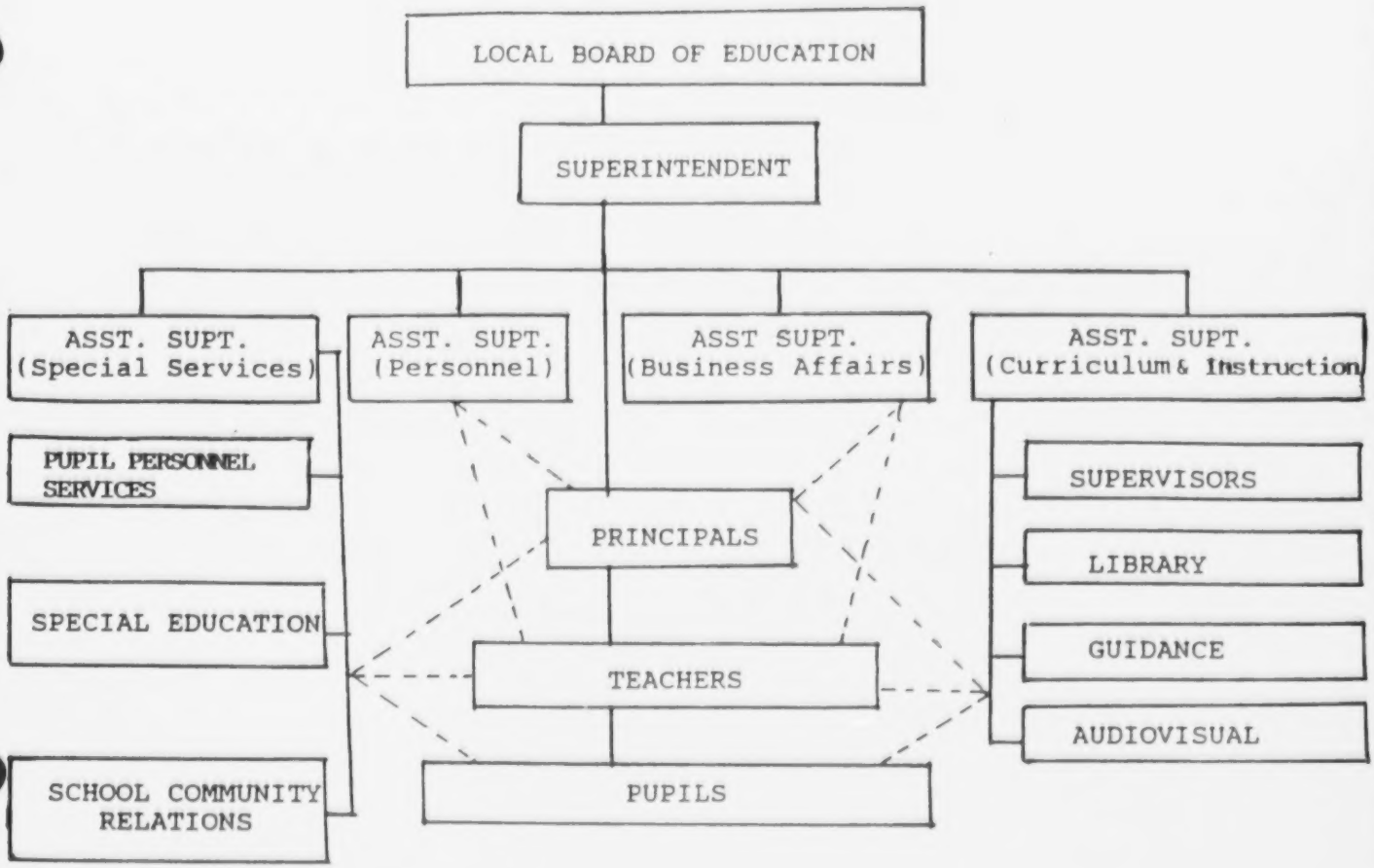

KEY:

_____ Administrative Authority
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FIGURE 3. Typical line and staff organization